

The Morehead City Planning Board conducted a regularly scheduled meeting on Tuesday, August 16, 2011, in the Municipal Building Auditorium, 202 South Eighth Street, Morehead City, NC, at 5:30 p.m. The following people were present:

MEMBERS: Chairman Bill Taylor, John Creech, Curtis Fleshman, Corinne Geer, Jackie Maucher, and Gordy Patrick  
(John Creech arrived at 6:05pm.)  
ABSENT: Gordon Thayer

Others present: Planning Director Linda Staab, Planner Sandi Watkins, Secretary Jeannie Vaughan, Mark Hibbs of the Carteret County News-Times, John Maucher, Ken Wood, Dan Rahe, Commissioner Paul Cordova, Commissioner Demus Thompson, Commissioner John Nelson, Commissioner George Ballou, Commissioner David Horton, City Manager Randy Martin, Attorney Nelson Taylor, Attorney Derek Taylor, DMCRA Director Tom Kies, Lennie Griffin, Richard deButts, Frank Tursi, Donald Thomas, David Howland, Ernie Yeager, Donald Cordova, W. Baily, and other interested citizens.

Chairman Bill Taylor called the meeting to order and delivered the invocation.

The roll was called and Gordon Thayer was absent. Gordy Patrick made **MOTION**, seconded by Corinne Geer, to excuse the called-in absence. The motion carried unanimously.

Chairman Bill Taylor led the Pledge of Allegiance.

**MINUTES: July 19, 2011:** Corinne Geer made **MOTION**, seconded by Curtis Fleshman, to adopt the minutes and dispense with the reading. The motion carried unanimously.

#### **NEW BUSINESS:**

##### **A. Request from Gary S. Miller, on behalf of ITAC 192, LLC, for Final Plat Approval for Crystal Coast Plaza.**

**Request from Gary S. Miller, on behalf of ITAC 192, LLC for Final Plat Approval for Crystal Coast Plaza.**  
*Flood Zone: X. Zoning: CH.*

*Sketch and Preliminary Plat Review – Planning Board: July 19, 2011*  
*Sketch and Preliminary Plat Approval – Council: August 9, 2011*

The developer is requesting final plat approval for a two-lot subdivision in Crystal Coast Plaza, consisting of two lots totaling 33.8 acres. The proposal would subdivide Dick's Sporting Goods from the remainder of the shopping center. Existing development consists of a variety of retail, restaurants and personal services. The development is located in the corporate limits and is zoned CH (Highway Commercial).

State Sedimentation/Erosion Control, Stormwater, and NCDOT permits as well as water and sewer impact and sidewalk fees are submitted as part of the Building Permit application process. A copy of the restrictive covenants has been received. A note concerning access to the shopping center has been added to the final plat.

Planner Sandi Watkins introduced the request.

Dan Rahe, on behalf of ITAC 192, LLC, spoke in favor of the request.

Curtis Fleshman made **MOTION**, seconded by Jackie Maucher, to approve the Final Plat. The motion carried unanimously.

### ***B. Port Industrial (IP) District Study.***

#### **Planning Board Initiated Request for a Study of the Port Industrial (IP) District:**

During its normal July Planning Board meeting, the Planning Board requested a review of the port-industrial zoning district.

Section 9 of the Unified Development Ordinance states that the purpose of the Port-Industrial (IP) district is *to provide and protect areas for those uses which would offend the community by excessive noise, odor, smoke, dust, airborne debris, or any other objectionable characteristic which might be detrimental to the health, safety, and welfare of surrounding neighborhoods and the community. Uses in the IP district reference the Standard Industrial Classification (SIC) System by number, if applicable. The SIC is located in Appendix I.*

There are three concentrated areas of port-industrial zoning within Morehead City's jurisdiction. The first area is located towards the west end of Morehead City's jurisdiction and is primarily located within Morehead City's corporate limits. The area includes the Carteret County Industrial Park, Narron Business Park, property owned by the NC State Ports Authority, a portion of Wayne See Subdivision, the Styron property (including Hanson Aggregates), Town-owned property, Industrial Park, the Progress Energy building, and other miscellaneous parcels.

There is also a small (100' \* 100') area on the parcel located at 5070 Highway 70, which is zoned IP conditional use for a 300' communication tower.

The second area includes a single parcel located at 4218 Arendell Street. The site is owned and occupied by Amerigas Propane and is located within the corporate limits.

The third area is located on the east end of Morehead City's jurisdiction and is located within the corporate limits. The area is primarily under NC State Ports Authority ownership, with smaller parcels owned by the Town, the State of North Carolina and JM Davis Inc.

The development standards for the district are as follows:

*Setbacks:* Front: 25'

*Sides/Rear:* Where abutting an R district a permitted or special use must meet the identical requirement of the abutting yard in that district.

*Minimum Lot Area:* N/A

*Minimum Lot Width:* N/A

*Maximum Height:* N/A

*Maximum Lot Coverage (roof area):* 40%

The following uses are currently listed as "permitted" under Article 11-1 Table of Permissible Uses of the Unified Development Ordinance (UDO). An asterisk at the end of the title of a use indicates that there are additional requirements for the use contained under Article 14, Exceptions, Modifications, and Special Requirements for Certain Uses.

Accessory building/use	Circus, carnival, fair
Apparel and other finished textile products (SIC #23)	Contractor's plant/storage yard
Asphalt, paving and roofing materials (SIC #295)	Electronic and other electrical equipment (SIC #36)
Automobile Repair Garage*	Fabricated structural and metal products (SIC #344)
Automobile Service Station*	Food and kindred products (SIC #20) excluding meat products (SIC #201)
Bakery Products (SIC #205)	Furniture and fixtures (SIC #25)
Beverages (SIC #208)	Government building/use
Boat storage	Grain Mill Products (SIC #204)
Bulk storage of nonhazardous material	

Greenhouse/plant nursery	Railroad freight classification
Industrial and commercial machinery and computer equipment (SIC #35)	Recreation use, governmental
Kennel*	Recycling center
Laundry/dry cleaning plant	Recycling plant
Leather and leather products (SIC #31) excluding tanning and finishing (SIC #311)	Research facility
Lime and fertilizer storage	Restaurant
Manufactured ice (SIC #2097)	Self-service storage facility
Marine Port Terminal	Sign, outdoor advertising
Marina, commercial*	Sign, principal use
Measuring, analyzing and controlling instruments (SIC #38)	Sign, temporary
Mineral Products (SIC #329)	Stone, clay, glass and concrete products (SIC #32) excluding abrasive, asbestos and nonmetallic transportation equipment (SIC #37)
Miscellaneous fabricated metal products (SIC #349)	Tobacco products (SIC #21)
Miscellaneous manufacturing industries (SIC #39)	Truck stop/terminal
Motorcycles, bicycles and parts (SIC #375)	Water conditioning service
Outdoor vending self-service machine*	Wholesaling, warehousing
Printing, publishing and allied industries (SIC #27)	Woodchip storage and shipping
Public utility building/use*	

The following uses are currently listed as “special uses” under Article 11-1 Table of Permissible Uses of the UDO.

Accessory retail sales  
 Bulk/petroleum plant/storage  
 Communication tower  
 Industrial (other) uses compatible with the permitted uses of the district  
 Junkyard\*  
 Recreation use, indoor  
 Towing/recovery storage yard\*

Planning Director Linda Staab introduced the item and read the statement from the Town Council released August 9, 2011:

*“The Council has directed the Town Attorneys to assure that the request of PCS Phosphate Company, in its letter of August 3, 2011, to the Division of Air Quality, to revert back to its previous permit without the modification to allow sulfur processing, has been effected. Upon such assurance, in writing, the petition filed by the Town of Morehead City opposing the modification of the permit to allow sulfur processing at the state port should be dismissed.*

*The Council also recognizes that it has been requested to review the Town’s zoning ordinances. While such review is indicated, the Town’s authority over the state port is limited. The port’s receiving, shipping and transient storage functions are state controlled by several state agencies with jurisdiction superior to municipal authority. The Town will proceed to protect and represent the interests of its citizens in every respect, mindful that the port is an important asset providing needful employment. The Town will communicate with the State Port Authority and the Governor’s office about appropriate future uses and plans for the local port facilities, while at the same time reviewing our current ordinances, the Town’s Land Use Plan and our legal authority to make changes.”*

Ms. Staab also informed the Board of a Maritime Strategy Planning Study announced by the NC Department of Transportation that is currently underway with public workshops to be scheduled this Summer and Fall. Ms. Staab then shared the response from David Owens of the School of Government at the University of North Carolina at Chapel Hill regarding zoning and State property.

Attorney Nelson Taylor was asked if zoning could be used to outlaw a specific use. North Carolina does not have a case that directly provides an answer. He did say, however, that the burden of proof is with the City if a use is banned.

Curtis Fleshman asked who controls what happens on State property and Attorney Taylor said that many have potential interests in Port activity. He cited a list of the agencies which included: 1) Department of Transportation; 2) Council of the State; 3) Department of Administration; 4) State Construction Office; 5) Department of Environment and Natural Resources which includes CAMA, EPA, and Division of Air Quality; 6) US Coast Guard; 7) Army Corp of Engineers; 8) National Marine Fisheries; 9) Historical Society; 10) Federal Aviation Administration; among others.

Chairman Bill Taylor explained that the Planning Board is a recommendation board to the City Council and that the City Council is the governing body. He said that the Planning Board will be conducting work sessions in the coming months to discuss and evaluate the Port Industrial (IP) zoning classification. Each work session will be advertised and open to the public.

Chairman Bill Taylor announced that the next work session will be Tuesday, August 30, 2011, at 5:30 pm in the Municipal Building Auditorium, 202 South Eighth Street, Morehead City, NC. Two items will be on the agenda: 1) review of the Land Use Plan; and 2) current uses of IP-zoned properties. Chairman Taylor suggested that the following stakeholders be invited to attend: all property owners in the IP district, a military representative, the North Carolina Railroad Authority, the Coastal Federation, the Downtown Morehead City Revitalization Association, the Fire Department, the Chamber of Commerce, and the Clean County Coalition.

***REQUESTS/COMMENTS:***

- A.** City Manager Randy Martin thanked the Planning Board members for their service.
- B.** Corinne Geer thanked the city staff for their hard work.

***ADJOURNMENT:*** There being no further requests or comments, the meeting adjourned at 6:25 p.m.

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Jeannie Vaughan, Secretary